

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JAMES R. ARAGON,

Plaintiff,

v.

CV No. 18-1101 JAP/CG

STATE FARM FIRE AND  
CASUALTY COMPANY,

Defendant.

**SECOND ORDER FOR BIFURCATED DISCOVERY PLAN AND  
SETTING TELEPHONIC STATUS CONFERENCE**

**THIS MATTER** is before the Court on the parties' *Joint Status Report and Provisional Discovery Plan for Bifurcated Discovery*, (Doc. 28), filed May 3, 2019. On April 24, 2019, the Court granted in part Defendant's unopposed motion to bifurcate Plaintiff's extra-contractual claims from his contractual claims. (Doc. 26). The Court only granted the motion as to the bifurcation of discovery, and explained that the Court could not order a bifurcated trial because that issue is for the presiding judge to determine. *Id.* at 2.

Having granted the parties' request to engage in bifurcated discovery, the Court ordered the parties to file an amended Joint Status Report and Proposed Discovery Plan setting forth their proposed deadlines for bifurcated discovery. *Id.* The Court noted that the parties have been engaged in discovery since January 15, 2019, their discovery deadline is currently set for July 15, 2019, and a trial is set to begin on December 2, 2019. Therefore, the Court directed the parties to propose bifurcated discovery deadlines with these dates in mind. *Id.*

The parties' amended *Joint Status Report and Provisional Discovery Plan for Bifurcated Discovery*, (Doc. 28), does not comply with the Court's Order because the parties did not propose bifurcated discovery deadlines. Instead, the parties only proposed the same discovery deadline they currently have—July 15, 2019. Therefore, the parties shall file a second amended Proposed Discovery Plan for Bifurcated Discovery no later than May 17, 2019, setting forth two proposed deadlines—one for discovery related to Plaintiff's contractual claims, and one for discovery related to Plaintiff's extra-contractual claims.

In addition, the Court will hold a telephonic status conference on Tuesday, May 21, 2019, at 1:30 p.m., to discuss the parties' proposed deadlines.

**IT IS THEREFORE ORDERED** that the parties shall file an amended Proposed Discovery Plan for Bifurcated Discovery no later than **May 17, 2019**, setting forth two proposed deadlines—one for discovery related to Plaintiff's contractual claims, and one for discovery related to Plaintiff's extra-contractual claims.

**IT IS FURTHER ORDERED** that a status conference will be held by telephone on **Tuesday, May 21, 2019, at 1:30 p.m.** Parties shall call Judge Garza's AT&T Teleconference line at (877) 810-9415, follow the prompts, and enter the Access Code 7467959, to be connected to the proceedings.



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THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE